



IT IS ORDERED

Date Entered on Docket: January 15, 2015

The Honorable David T. Thuma  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

IN RE:

Steve Edward Henry

Debtor

Case No. 7-14-10704-TA

**DEFAULT ORDER GRANTING MOTION TO COMPEL**  
**ABANDONMENT OF PROPERTY LOCATED**  
**AT 9715 Desert Pine Avenue SW, Albuquerque, NM 87121**

This matter came before the Court on the Motion to Compel Abandonment of Property filed on 12/12/2014, Docket No. 55, (the “Motion”) by Wells Fargo Bank, N.A. (“Movant”). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On 12/12/14, Movant served the Motion and notice of the Motion (the “Notice”) on counsel of record for Debtor, Steve Edward Henry, and the case trustee, Edward Alexander Mazel, (the “Trustee”) by use of the Court’s case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P.

5(b)(3) and NM LBR 9036-1, and on the Debtor and US Trustee by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

9715 Desert Pine Avenue SW  
Albuquerque, NM 87121

(c) The Notice specified an objection deadline of 21 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on 1/7/2015.

(f) As of 1/13/2015, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein;

(h) It is appropriate under 11 U.S.C. §554(b) to order the Trustee to abandon the property.

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies under penalty of perjury that on 1/13/2015 McCarthy & Holthus, LLP searched the data banks of the Department of Defense Manpower Data Center (“DMDC”) and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

**IT IS THEREFORE ORDERED:**

1. The Property is abandoned by the Trustee as of the date of entry of this Order, and the Property is no longer property of the bankruptcy estate

###END OF ORDER###

**RESPECTFULLY SUBMITTED BY:**

/s/ Andrew Yarrington

**McCarthy & Holthus, LLP**  
**Jeannette M. Whittaker, Esq.**  
**Andrew P. Yarrington, Esq.**  
**Attorneys for Movant,**  
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**/s/ submitted electronically 1/14/2015**  
**ayarrington@mccarthyholthus.com**

Copies to:

**DEBTOR**

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**DEBTOR COUNSEL**

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**CASE TRUSTEE**

Edward Alexander Mazel  
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**US TRUSTEE**

PO Box 608  
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**SPECIAL NOTICE(S)**

Deutsche Bank National Trust Company, as Trustee for the Holders of the Vendee  
Mortgage Trust, 2008-1

Attn: Karen H. Bradley

c/o Little, Bradley & Nesbitt, P.A.

P.O. Box 3509

Albuquerque, NM 87190

WELLS FARGO BANK, N.A.

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